

Nathan Ochsner, Clerk

At this juncture, the Court is not positioned to rule on what information may be the subject of legislative privilege, as determining whether the privilege applies is a fact and

content specific inquiry. *See League of United Latin Am. Citizens*, 2022 WL 1570858, at *1–2. “The Court is persuaded that there are likely to be relevant areas of inquiry that fall outside of topics potentially covered by [] legislative privilege.” *Id.* at *2. Moreover, the Court will be better positioned to make decisions on the application of the privilege when “presented with specific questions and specific invocations of [] legislative privilege.” *Id.* at *3. Therefore, “[t]here is no reason, at this time, . . . to issue a protective order placing limits on the subject matter [of upcoming depositions].” *Id.* at *2. Accordingly, the Court adopts the following procedure, as set forth in the three-court panel in *League of United Latin Am. Citizens v. Abbott*:

- (1) Parties should proceed with depositions and the deponents must appear and testify even if it appears likely that legislative privilege may be invoked in response to certain questions.
- (2) Deponents may invoke legislative privilege in response to particular questions, but the deponent invoking the privilege must then answer the question in full. The response will be subject to the privilege.
- (3) The portions of deposition transcripts containing questions and answers subject to the privilege shall be deemed CONFIDENTIAL as defined in Parties previously filed “Amended Protective Order” (*See* Dkt. No. 159-1).
- (4) If a party wishes to use any portion of deposition testimony that is subject to legislative privilege, that party must seal those portions and submit them to the Court for in camera review, along with a motion to compel.
- (5) Any such motion to compel shall be filed within 14 days of the deposition. The response will be due within 7 days after the motion is filed. Any reply will be due 7 days after the response is filed.

See 2022 WL 1570858 at *2–3. Nothing in this order shall be construed as deciding any issue of legislative privilege.

Signed this 1st day of June, 2023.


JUDGE PRESIDING